

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 472 / 1996.

DATE OF DECISION : 6.12.1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI MATI SHANTA SHAstry, MEMBER (A)

Shri R.Rajeev & Ors.

... Applicant(s)

-Versus-

U.O.I. & Ors.

... Respondent(s)

Advocates :

Mr./Ms. Meera Chhibber for Applicant(s)

Mr./Ms. N.S. Mehta for Respondent(s)

1. Whether to be referred to Reporter? Yes
2. Whether to be circulated to other Benches? No


(ASHOK AGARWAL)

CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.472 of 1996

Dated this 6th day of December, 1999

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

(2)

1. Rajeev R.
2. Surjeet Gangopadhyay
3. Smt. Sunita Nagi
4. D.K.Raikwar
5. S. D. Sharma
6. Smt. Neelam Rani
7. Smt. Veena Badri
8. Rajeev Sharma
9. Kuldeep Kumar

All working as UDCs (on adhoc basis)
in the Central Administrative Tribunal
Principal Bench, New Delhi. ... Applicants

(By Advocate: Mrs Meera Chhibber)

Versus

1. Union of India, through
Secretary,
Ministry of Personnel, Public
Grievances & Pensions,
Department of Personnel & Trg.,
North Block,
New Delhi.
2. The Registrar,
Central Administrative Tribunal,
Principal Bench,
Faridkot House,
Copernicus Marg,
New Delhi. ... Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R (Oral)

Mr. Justice Ashok Agarwal :


Applicants who are holding the post of Lower
Division Clerks in this Tribunal seek promotion on
regular basis to the post of Upper Division Clerks.

2. There are three methods of appointment to the post of Upper Division Clerks:

(i) 25% on Limited Departmental Examination for regular Lower Division Clerks with five years of regular service.

(ii) 25% by promotion from Lower Division Clerks with eight years of regular service in the grade.

(iii) 50% by direct recruitment.

3. In order to grant promotions in the 1st category of candidates, an advertisement came to be issued on 14.2.1996 for Limited Departmental Examination to be held on 2.3.1996. A copy of the Notice is to be found at Annexure-1. Applicants immediately approached this Tribunal by filing the present OA. They impugned the aforesaid notice ^{issued} on 14.2.1996 and opposed holding of the Limited Departmental Examination. They in turn claimed promotion on the basis of their period of service rendered as Lower Division Clerks. Some of the applicants, it appears, had, in the meanwhile, been granted ad hoc promotion as Upper Division Clerks. The promotions were for a fixed period of six months or till the posts were filled up on regular basis whichever was earlier. Fortunately for the Tribunal and unfortunately for the applicants, no interim



(3)

(A)

order was passed. Hence Limited Departmental Examination was held and promotions were granted. Some of the applicants, we are informed, had also appeared in the Limited Departmental Examination. Those who passed have been promoted as Upper Division Clerks on regular basis.

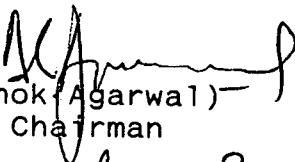
4. In our view, it is difficult to fathom how the applicants can successfully impugn the Limited Departmental Examinations which are being held by this Tribunal for giving promotions in the aforesaid 1st category, namely, 25% on Limited Departmental Examination for regular Lower Division Clerks with five years regular service. The first ~~two~~ methods of promotion show that Lower Division Clerks with five years regular service ~~would~~ become entitled for ~~for being considered for~~ out of turn promotion if they pass the Limited Departmental Examination. As far as the 2nd category is concerned, the same does not require the candidates to appear for a Limited Departmental Examination as in the 1st category; they became entitled for being considered for promotion after they have put in eight years of regular service as Lower Division Clerks. Hence, in our view, candidates who do not choose to seek promotion in the 1st category by appearing and successfully passing the Limited Departmental Examination, have to wait for a period of eight years before they can be eligible for promotion. Candidates of the 2nd category, therefore, cannot successfully assail the

Re: A

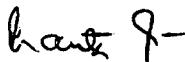
Limited Departmental Examination which is provided in the 1st category. As far as the promotion orders which have been issued in favour of the applicants are concerned, the same have been issued for a fixed period of six months. The appointments are purely on ad hoc basis and are liable to be terminated at the expiry of six months or on regular appointments being made. No right, therefore, can be claimed on the basis of the aforesaid ad hoc appointments.

5. It goes without saying that those of the applicants who have chosen not to appear in the Limited Departmental Examination will be considered for promotion, if not already promoted, after they become eligible and after vacancies in the category in which they claim become eligible.

6. The present OA, in the circumstances, we find, is devoid of merit. The same is accordingly dismissed. However, in the facts and circumstances of the case, there will be no order as to costs.


(Ashok Agarwal)-

Chairman


Shanta S-

(Mrs. Shanta Shastry)
Member(A)

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